UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,261	01/30/2001	Robert D. Kearney	YOR920000542US1	9982

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Wayne L. Ellenbogen
RYAN, MASON & LEWIS, LLP
90 Forest Avenue
Locust Valley, NY   11560

EXAMINER
BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/774,261	KEARNEY, ROBERT D.
	Examiner	**Art Unit**	
	Adam L. Basehoar	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 September 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: The RCE filed 09/23/05.

2.   The rejection of claims 1-20 under 35 U.S.C. 102(e) as being anticipated by Chen et al

(US-6,507,856 01/14/03) have been withdrawn as necessitated by Amendment.

3.   Claims 1-20 are pending in the application. Claims 1, 8, and 15 are independent claims.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-6, 8-12, and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Parks (US-6,596,031 07/22/03).

-In regard to independent claims 1, 8, and 15, Parks teach a method of forming a

document model for automatically constructing a semantically and syntactically valid document,

the method comprising:

beginning with a root tag (column 9, lines 26-28: "main element"), creating a plurality of

tag elements (column 16, lines 29-67)(Fig. 4A-4C) corresponding to respective tags in the

document to be constructed (column 16, lines 18-27), each of the plurality of tag elements

including information relating to a corresponding one of the tags (column 16, lines 29-67)(Fig.

4A-4C);

associating one or more model elements (Fig. 4A: e.g. [head_tag], [look_tag],

[story_tag]) with each of the tag elements (Fig. 4A: e.g. nsml_tag), each model element being a

child of an associated tag element (Fig. 3B: e.g. 310, 320, 340) and representing an alternative to

the information relating to the corresponding tag (column 16, lines 29-67), each of the model

elements being distinct from the respective associated tag elements (i.e. distinct child elements)

and being operative to capture semantic information of the corresponding respective tags

(column 16, lines 29-67), each of the one or more model elements associated with each of the tag

elements representing a different semantic component of the corresponding tag (e.g. HEAD,

LOOK, STORY), each model element having at most one tag element as a parent (Fig. 3B: 301);

and

for each of the one or more model elements, generating a semantically and syntactically

valid sub-tree of elements as a child of the one or more model elements based at last in part upon

a structure of the document to be constructed under one or more predetermined conditions

(column 8, lines 3-29).

-In regard to dependent claims 2, 9, and 16, Parks teach:

assigning a tag element (Fig. 3B: 341) corresponding to a tag in the document

(Fig. 4A: form_tag) when the tag associated therewith includes a single sub-tag (Fig. 3B: 342),

the tag element being a child of the model element corresponding to the sub-tree (Fig. 3B: 340);

associating one or more model elements with the tag element (Fig. 3B: 343), each

of the model elements being a child of the tag element (Fig. 3B: 341) and representing an

alternative semantic component to the information relating to the corresponding tag (column 16,

lines 29-67); and

repeating the steps of arranging a tag element and associating one or more model

elements until all sub-tags of the tag have been mapped to the document model (column 8, lines

3-29).

-In regard to dependent claims 3, 10, and 17, Parks teach:

associating a group element (Fig. 3B: 360) with a tag element corresponding to a tag in

the document when the tag associated therewith includes a plurality of sub-tags (Fig. 3C: "361,

362, 363), the group element being a child of the model element corresponding to the sub-tree

(Fig. 3B: 360);

associating a plurality of tag elements with the group element (Fig. 3C: "361, 362, 363),

each of the tag elements being a child of the group element and corresponding to a sub-tag in the

plurality of sub-tags (i.e. child of "Content" group element);

for each tag element in the plurality of tag elements (Fig. 3C: "361, 362, 363), associating

one or more model elements with the corresponding tag element as a child of the tag element

(Fig. 3C: 366); and

repeating the steps until all the sub-tags of the plurality of sub-tags have been mapped to

the document model (column 8, lines 3-29).

-In regard to dependent claims 4, 11, and 18, Parks teach wherein the step of generating a

syntactically and semantically valid sub-tree of elements further comprises the step of:

for each of the one or more model elements, assigning a value element as a child of the

model element when the corresponding tag includes textual information associated therewith

(column 14, lines 35-60), the value element storing the textual information (column 14, lines 35-

60: "text").

-In regard to dependent claims 5 and 12, Parks teaches wherein the textual information

includes at least one of a type and format of the textual information (column 14, 35-60: "includes

text, physical style, spacing and layout information").

-In regard to dependent claims 6, 14, and 19, Parks teaches wherein each of the one or

more model elements includes at least one of:

attribute information associated with the corresponding tag (column 9, lines 61-67;

column 10; lines 1-48).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 7, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Parks (US-6,596,031 07/22/03).

-In regard to dependent claims 7, 13, and 20, Parks et al teach wherein the document to

be constructed was an NSML based document (column 6, lines 39-41). Parks also teach wherein

the document could be converted to and imported from other document formats such as HTML

(column 7, lines 40-59). Sparks does not specifically teach wherein the document to be

constructed was an XML document. It would have been obvious to one of ordinary skill in the

art at the time of the invention for the document of Sparks to have been an XML document,

because XML was a notoriously well known standardized markup language at the time of the

invention that provided such benefits as platform independence.

Response to Arguments

8.   Applicant's arguments with respect to claims 1, 8, 15 have been considered but are moot

in view of the new ground(s) of rejection.

The Parks reference has been utilized to over come the amended limitations of the

independent claims. Specifically, the Parks reference is believed to teach a method for

automatically creating a syntactically and semantically valid document (column 8, lines 1-29),

wherein an input file was processed by a syntactic analyzer and a semantic analyzer. The parser

containing both analyzers processes the input file in accordance with grammar rules that define

strict syntactical rules as well as semantic rules such that tags can be determined to be required,

truly optional, as well the form of the data type (column 14; lines 61-67: "STYLE element";

column 15, lines 1-2; column 16, lines 29-67: "essential elements...particular element", "OR",

"{} notation").

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US-6,604,100	08-2003	Fernandez et al.
US-2002/0143815	10-2002	Sather, Dale
US-2004/0064803	04-2004	Graves et al.
US-2005/0262115	11-2005	Hu et al.
US-6,950,985	09-2005	Lee, Kwok
US-2004/0205562	10-2004	Rozek et al.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

STEPHEN HONG
VISORY PATENT EXAMINER